

Serial No. 10/014,696

Atty. Docket No. 13DV-13961

**REMARKS**

This application has been carefully reviewed in light of the Office Action dated May 12, 2003. By way of this amendment, claims 1, 3, 5 and 7 have been amended. Claims 1-10 are currently pending in the application. Applicant hereby requests further examination and reconsideration in view of the following remarks.

The Examiner has rejected claims 1-6 under 35 U.S.C. § 112, second paragraph as being indefinite. In response, applicant has amended claims 1, 3 and 5 to change all recitations of "said vane" to --said at least one vane--, and "said vanes" to --said at least two vanes--. Also, claim 7 has been amended to correct a minor error therein. Accordingly, it is submitted that all pending claims are now definite under 35 U.S.C. § 112, second paragraph.

The Examiner has rejected claims 1-10 under 35 U.S.C. § 103(a) as being unpatentable over "Applicant's Admitted Prior Art." This ground of rejection is respectfully traversed.

Independent claims 1, 3, 5 and 7 all recite a method of repairing a turbine nozzle segment that includes separating a band from a vane or vanes and welding a newly manufactured replacement band to the vane or vanes. The newly manufactured replacement band includes one or two vane stubs extending from a flowpath surface.

Paragraph 0004 on page 2 of the present application describes an airfoil replacement technique comprising removing a distressed vane from the inner and outer bands so that a stub of the original airfoil remains. A new airfoil is welded to the stubs on the salvaged bands. This paragraph also states that other repair methods involve replacing one or more airfoils or bands by disassembling a nozzle segment at its braze joints, providing one or more replacement components, and re-brazing the assembly together.

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The Examiner contends that it would have been obvious to use replacement bands with stubs and weld them to a salvaged airfoil because the alleged prior art teaches that it is known in the art to 1) weld new airfoils to salvaged bands with stubs and 2) to replace bands. The Examiner bases this conclusion on the assertion that the claimed process "is merely switching which parts are salvaged and which are replaced."

Applicant respectfully submits that there is no motivation to combine the teachings of the alleged prior art in the manner suggested by the Examiner. It is well settled that to establish a *prima facie* case of obviousness, there must be some suggestion or motivation, either in the prior art or in the knowledge generally available in the art, to combine reference teachings (see MPEP § 2143). The suggestion or motivation cannot be based on the applicant's disclosure. In this case, only applicant's disclosure teaches welding a newly manufactured replacement band having vane stubs to salvaged vanes. While it may seem to be a simple concept to "switch" which parts are replaced, mere simplicity of a proposed combination does not provide the required motivation to combine the teachings. Furthermore, the present invention represents more than a mere "switch." The present invention requires use of a newly manufacture band having stubs that are integrally formed thereon. The alleged prior art does not teach or suggest such a newly manufacture band. The first method described in paragraph 0004 mentions using a band with stubs, but this band is salvaged, not newly manufactured. The second method described in paragraph 0004 implies use of a newly manufacture band, but such a band would not have stubs.

In addition, there is no recognition from the two teachings of the alleged prior art that there would be any advantage or expected benefit from combining the teachings in the manner suggested by the Examiner. At best, the teachings of the alleged prior art merely suggest that a newly manufactured

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replacement band *could* be welded to salvaged vanes, but do not provide any reason to do so.

For the above reasons, it is respectfully submitted that independent claims 1, 3, 5 and 7 are allowable over "Applicant's Admitted Prior Art." Claims 2, 4, 6 and 8-10 depend from claims 1, 3, 5 and 7 and are thus also believed to be allowable.

In view of the above, it is submitted that the claims are in condition for allowance. Reconsideration of the objections and rejections is requested. Allowance of claims 1-10 at an early date is solicited.

Respectfully submitted,

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Date

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